

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. 2858
Applicant(s): QUINCKE			
Application No. 10/781,090	Filing Date 02/17/2004	Examiner MAMMEN, N.	Group Art Unit 3671
Invention: METHOD AND DEVICE FOR DETERMINING...			RECEIVED CENTRAL FAX CENTER OCT 26 2005
<p>I hereby certify that this <u>AMENDMENT, IDS, 1 REF.</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(571) 273 8300</u>)</p> <p>on <u>10/26/2005</u> (Date)</p> <p><u>MICHAEL J. STRIKER</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u>[Signature]</u> (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p> <p>RECEIVED OIPE/IAP OCT 27 2005</p>			

P18/REV02

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**Examiner:** Nathan Scott Mammen

**Art Unit:** 3671

**In re:**

**Applicant:** Gunnar QUINCKE

**Serial No.:** 10/781,090

**Filed:** February 17, 2004

**AMENDMENT**

October 25, 2005

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Office Action of  
September 30, 2005.

In the Office Action the Examiner indicated that the application contained several distinct species of the claimed invention, namely:

Group I defined in claims 1-19 for apparatus and method with a compacting device, separately located outside of the transporting means;

Group II defined in claims 20-22 for apparatus and a method with a probe chamber open in a traveling direction of the harvester and opposite to the transporting direction to the crop;

Group III defined in claim 25 for an apparatus with a unit, a rotatable chopper drum bottom cooperating with one another, crop probe deviated through the drum bottom.

The Examiner indicated that the applicant was required to elect a single disclosed species and to list the claims related to the elected species. The Examiner indicated that no claim was considered to be generic.

It is respectfully submitted that in all independent claims currently on file, it is specifically defined that in the inventive method and apparatus there is a compacting device which is a separate device located

outside the transporting means and filled during the working process with the crop probe, with the compacting device located outside the transporting means. These features are provided in all claims, and first defined in claims 1 and 13. It is respectfully submitted that claims 1 and 13 should be considered as generic claims.

As for the election requirement applied by the Examiner, applicants have elected for further prosecution the features of Group I.

It is respectfully submitted that claims 1-19 are readable on the elected species.

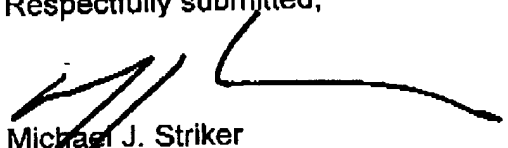
It is therefore respectfully requested to examine claims 1-19.

At the same time, it is respectfully submitted that in the event if a generic is finally held allowable, the other claims related to non-elected species should be allowed as well.

Consideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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Reg. No. 27233